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PETROTERMINAL DE PANAMA, S.A., :  
Plaintiff, :  
- against - : NOTICE OF MOTION  
HOUSTON CASUALTY COMPANY, NATIONAL : 08 CV 00547 (JSR)  
NATIONAL LIABILITY & FIRE INSURANCE :  
COMPANY a/k/a NATIONAL FIRE & LIABILITY :  
INSURANCE COMPANY, LIBERTY MUTUAL :  
INSURANCE COMPANY, GREAT AMERICAN :  
INSURANCE COMPANY OF NEW YORK, :  
INDEMNITY INSURANCE COMPANY OF NORTH :  
AMERICA, and CONTINENTAL INSURANCE :  
COMPANY, :  
Defendants. :

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**PLEASE TAKE NOTICE**, that the plaintiff, Petroterminal de Panama, S.A. (“Plaintiff”), on its accompanying Memorandum of Law, and the accompanying affidavits of Stephen A. Dvorkin and John Winsbro, both sworn July 25, 2008, will move this Court, pursuant to Fed. Rs. Civ. P. 26(a) and 37, on August 13, 2008, at 2 o’clock p.m. of that day, at the United States Courthouse, 500 Pearl Stret, New York, New York, in the courtroom of the Hon. Jed S. Rakoff, United States District Judge, for an order imposing on each and all of the defendants in this action the following sanctions by reason of their failure to comply with discovery requirements:

(a) granting PTP default judgment on the claims in PTP's Amended Complaint, pursuant to Fed. R. Civ. P. 37(b)(2)(A)(vi) and 37(c)(1)(C); or, alternatively,

- (b) striking all of the thirty-three affirmative defenses set forth in Defendants' Answer, pursuant to Fed. R. Civ. P. 37(b)(2)(A)(iii) and 37(c)(1)(C); and alternatively (or additionally)
- (c) barring Defendants' introduction at trial of the testimony of all witnesses identified in Defendants' untimely Rule 26(a) disclosures, pursuant to Fed. R. Civ. P. 37(c)(1); and additionally
- (d) awarding PTP, and requiring Defendants' to reimburse PTP for, the attorneys' fees and expenses it has incurred and will incur in bringing on and seeking the adjudication of this motion, pursuant to Fed. R. Civ. P. 37(c)(1)(A).

Pursuant to the direction of the Court, defendants' papers in opposition to the within motion are required to be served and filed no later than August 1, 2008.

Dated: New York, New York  
July 25, 2008

Respectfully submitted,

DICKSTEIN SHAPIRO, LLP

By: 

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